

CITY OF LINCOLN, NEBRASKA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LINCOLN, NEBRASKA (THE "CITY") ACCEPTING AND APPROVING (1) A FIRST AMENDMENT TO LEASE AGREEMENT AMONG THE CITY AND THE COUNTY OF LANCASTER, NEBRASKA (THE "COUNTY"), JOINTLY, AS LESSOR AND THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION (THE "COMMISSION"), AS LESSEE, WITH RESPECT TO (A) THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT GROUNDS AND BUILDING (THE "HEALTH FACILITIES"), AND (2) A FIRST AMENDMENT TO LEASE AGREEMENT AMONG THE COMMISSION, AS LESSOR, AND THE CITY AND THE COUNTY, JOINTLY, AS LESSEE, WITH RESPECT TO THE HEALTH FACILITIES TOGETHER WITH CERTAIN RELATED FACILITIES, BUILDINGS AND STRUCTURES TO BE CONSTRUCTED ADJACENT AND CONNECTED TO THE EXISTING HEALTH FACILITIES AND (3) THE ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED TWELVE MILLION DOLLARS (\$12,000,000) IN AGGREGATE PRINCIPAL AMOUNT OF TAX SUPPORTED LEASE RENTAL REVENUE BONDS, SERIES 2004, BY THE COMMISSION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

Section 1. The City Council of the City of Lincoln, Nebraska (the "City") hereby finds and determines that:

(a) It has heretofore (i) approved the acquisition of the property and facilities located at 3140 "N" Street in the City (the "**Health Department Building**") by the City and The County of Lancaster, Nebraska (the "**County**"), (ii) leased, jointly with the County as lessor, the Health Department Building to the Lincoln-Lancaster County Public Building Commission (the "**Commission**") pursuant a Lease Agreement dated August 21, 2002 (the "**2002 Site Lease**") for the purpose of refinancing certain outstanding indebtedness of the Commission, the proceeds of which were used to repair, remodel, renovate, equip, furnish and improve the Health Department Building (the "**Prior Project**") and (iii) leased, jointly with the County as lessee, the Health Department Building, together with the improvements thereto, from the Commission pursuant to a Lease Agreement dated August 21, 2002 (the "**2002 Operating Lease**") to provide facilities for the operation of the Lincoln-Lancaster County Health Department (the "**Health Department**").

(b) The Commission has issued its Tax-Supported Lease Rental Revenue Bonds, Series 2002 in the aggregate principal amount of \$9,895,000 dated the date of delivery (August 21, 2002) thereof (the "**2002 Bonds**") in part to refinance the costs of the Prior Project.

(c) The City and the County have heretofore determined that it is necessary, desirable, advisable, and in the best interests of the City and the County that an addition and other improvements be made to the Health Department Building, together with such related equipment and furnishings as is appropriate (the "**2004 Project**").

(d) The Commission has determined that it is necessary, desirable and advisable to issue not to exceed \$12,000,000 aggregate principal amount of its Tax Supported Lease Rental Revenue Bonds, Series 2004, dated the date of delivery thereof (the "**Series 2004 Bonds**"), for

the purpose of paying the costs of the 2004 Project, to make a deposit into the debt service reserve fund established with respect to the Series 2004 Bonds, to paying interest on the Series 2004 Bonds during the period of construction of the 2004 Project, and to pay the costs of issuance thereof.

(e) In connection with the issuance of the Series 2004 Bonds and the construction of the 2004 Project, it is necessary, desirable, advisable and in the best interests of the City, the County and the Commission that certain amendments, modifications and additions be made to the 2002 Site Lease and the 2002 Operating Lease.

(f) Section 13-1306, Reissue Revised Statutes of Nebraska, as amended, provides that with the prior approval of both the County and the City, the Commission shall have the power and is authorized to issue its bonds for any corporate purpose in such amounts as may be required to carry out and fully perform the purposes for which the Commission is established.

Section 2. The First Amendment to Lease Agreement dated the date of execution and delivery thereof (the **"Site Lease Amendment"**) by and among the City and the County, as lessor, and the Commission, as lessee, which is attached hereto, marked as **Exhibit "A,"** and made a part hereof by reference, with respect to the Prior Project and the 2004 Project, is hereby accepted and approved.

The Mayor is hereby authorized and directed to execute the Site Lease Amendment for and on behalf of the City but with such changes, additions or deletions with respect to the Site Lease Amendment as may be in the best interests of the City, the County and the Commission to carry out the Prior Project and the 2004 Project prior to the signing thereof upon advice of the City Attorney and bond counsel.

Section 3. The First Amendment Lease Agreement dated the date of execution and delivery thereof (the **"Operating Lease Amendment"**) by and among the Commission, as lessor, and the City and the County, as lessee, which is attached hereto, marked as **Exhibit "B,"** and made a part hereof by reference, with respect to the Prior Project and the 2004 Project, is hereby accepted and approved.

The Mayor is hereby authorized and directed to execute the Operating Lease Amendment for and on behalf of the City but with such changes, additions or deletions with respect to the Operating Lease Amendment as may be in the best interests of the City, the County and the Commission to carry out the Prior Project and the 2004 Project prior to the signing thereof upon advice of the City Attorney and bond counsel.

Section 4. The issuance of the Bonds in the principal maturities, bearing interest and redeemable as determined by the Finance Director of the City in accordance with the terms and conditions specified in the resolution of the Commission authorizing the issuance of the Series 2004 Bonds is hereby ratified, confirmed and approved.

Section 5. This ordinance shall take effect and be in force from and after its passage and publication according to law.

INTRODUCED BY:

PASSED _____, 2004.

AYES: _____

NAYS: _____

ABSENT OR NOT VOTING:

Approved as to Form:

City Attorney

Bond Counsel

CONFLICT OF INTEREST:

APPROVED: _____, 2003.

Mayor